

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 16, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-13616 - APPLICANT: CBS OUTDOOR - OWNER: CITY PARKWAY, IV

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The applicant shall obtain building permits and call for a final inspection by the Building and Planning Department within thirty (30) days of approval by the City Council.
2. The existing graffiti shall be removed within ten (10) days of final approval.
3. The Variance shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign to be removed. The applicant shall be responsible for notification costs of the review.
4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising sign (billboard).

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Required One Year Review of an approved Variance [V-0046-92(4)] which allowed a 14 foot x 48 foot Off-Premise Advertising (Billboard) Sign 690 feet from an existing Off-Premise Advertising (Billboard) Sign where 750 feet is the minimum distance separation allowed adjacent to the north side of the Oran K. Gragson Highway (U.S. 95), between Bonanza Road and Grand Central Parkway, 150 feet west of the centerline of the Union Pacific Railroad tracks (APN 139-27-401-031), M (Industrial) Zone, Ward 5 (Weekly).

EXECUTIVE SUMMARY

This is the seventh review for the Variance that allowed the 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign 690 feet from an existing Off-Premise Advertising (Billboard) Sign. The sign complies with the previous conditions of approval from Variance [V-0046-92(4)]. The sign is in good condition with some graffiti. A condition of approval has been added, which requires the removal of the graffiti within ten days of City Council action. Staff is recommending approval of the Required Review with an additional review in two (2) years.

BACKGROUND INFORMATION

A) *Related Actions*

- 05/20/92 The City Council approved an appeal of a denied Variance (V-0046-92) at the Board of Zoning Adjustment thereby granting a Variance to allow a 14-foot by 48-foot off-premise sign (billboard) 690 feet from an existing off-premise (billboard) sign where 750 feet is the separation distance required, conditioned with a Required Five Year Review and approved the Special Use Permit (U-238-91), which allowed the 14-foot x 48-foot off-premise adverting (billboard) sign on this site subject to a 5-year review.
- 05/27/97 The City Council approved a Required Five Year Review [V-0046-92(1)] of an approved Variance to allow a 14-foot by 48-foot off-premise (billboard) sign 690 feet from an existing off-premise sign (billboard) where 750 feet is the minimum separation distance required and approved the required 5-year review for the Special Use Permit [U-0238-91(1)], which allowed the 14-foot x 48-foot off-premise adverting (billboard) sign on this site subject to a 2-year review.

- 06/28/99 The City Council approved a Required Two Year Review [U-0238-91(2)] for an approved Special Use Permit on property located on the south side of Oran K. Gragson Highway (U.S. 95) between 'F' Street and Main Street, which allowed a 14-foot, by 48-foot off-premise (billboard) sign. Staff recommended the Special Use Permit be reviewed in November 2000 so the sign can be reviewed in conjunction with the Union Pacific development.
- 7/12/99 The City Council approved a Required Two Year Review [V-0046-92(2)] of an approved Variance on property located on the south side of Oran K. Gragson Highway (U.S. 95) between 'F' Street and Main Street which allowed a 14 foot by 48 foot off-premise (billboard) sign 690 feet from an existing off-premise (billboard) sign where 750 feet is the minimum distance required.
- 12/20/00 The City Council approved a Required Review [V-0046-92(3)] of an approved Variance on property located on the south side of Oran K. Gragson Highway (U.S. 95) between 'F' Street and Main Street which allowed a 14 foot by 48 foot off-premise (billboard) sign 690 feet from an existing off-premise (billboard) sign where 750 feet is the minimum distance required.
- 02/21/01 The City Council approved a Required Review [U-0238-91(3)] for an approved Special Use Permit on this property, which allowed a 14-foot by 48-foot off-premise (billboard) sign. Staff recommended that the Special Use Permit be reviewed one year from the date of approval, so the sign can be reviewed in conjunction with development of the Union Pacific property.
- 02/14/02 The City Council approved a Required One Year Review [U-0238-91(4)] on an approved Special Use Permit which allowed a 14 foot x 48 foot off-premise advertising (billboard) sign. The Planning Commission and staff recommended approval on 02/28/02.
- 04/03/02 The City Council approved a Required One Year Review [V-0046-92(4)] of an approved Variance which allowed a 14 foot x 48 foot off-premise advertising (billboard) sign 690 feet from an existing off-premise advertising (billboard) sign where 750 feet is the minimum distance separation allowed on the north side of the Oran K. Gragson Highway (U.S. 95), between Bonanza Road and Grand Central Parkway, 150 feet west of the centerline of the Union Pacific Railroad tracks. The Planning Commission and staff recommended approval on 04/03/02.
- 06/04/03 The City Council approved a Required One Year Review (RQR-1909) of an approved Variance [V-0046-92(4)] which allowed a 14 x 48 foot Off-Premise Advertising (Billboard) Sign 690 feet from an existing Off-Premise Advertising (Billboard) Sign where 750 feet is the minimum distance separation allowed adjacent to the north side of the Oran K. Gragson Highway (U.S. 95), between

Bonanza Road and Grand Central Parkway, 150 feet west of the centerline of the Union Pacific Railroad tracks. The Planning Commission and staff recommended approval on 06/04/03.

05/21/03 The City Council approved a Required One Year Review (RQR-1993) of an approved Special Use Permit [U-0238-94(4)] which allowed a 14 x 48 foot Off-Premise Advertising (Billboard) Sign adjacent to the south side of Oran K. Gragson Highway (U.S. 95) between "F" Street and Main Street. The Planning Commission and staff recommended approval on 04/24/03.

07/06/05 The City Council approved a Required Two-Year Review (RQR-6252) of an approved Special Use Permit (U-0238-94) which allowed on 14 x 48 foot Off-Premise Advertising (Billboard) Sign. Also, an additional Required Two Year Review (RQR-6345) was approved to allow an 14 foot x 48 foot Off-Premise Advertising (Billboard) Sign 690 feet from an existing Off-Premise Advertising (Billboard) Sign where 750 feet is the minimum distance required adjacent to the south side of Oran K. Gragson Highway (U.S. 95) between "F" Street and Main Street. The Planning Commission and staff recommended approval of the Required Review (RQR-6252) on 05/26/05. The Planning Commission and staff recommended approval of the other Required Review (RQR-6345).

07/13/06 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #7/bts).

B) Pre-Application Meeting

A pre-application meeting is not required for this type of application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was one held.

D) Site Inspection Information

A site inspection was completed on 06/09/06. The inspection revealed there is some graffiti on the support structure of the sign. The conditions of approval for the original Variance have been met. A condition has been included that requires the sign to be maintained and kept free of graffiti and clean at all times.

E) Building Permit History

A building permit was issued for the subject sign on 01/18/96. The sign was never finaled and expired on 02/13/93. A condition of approval has been added, which requires the applicant to obtain proper permits and call for a final inspection within 30 days of City Council action.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.28

B) *Existing Land Use*

Subject Property: Undeveloped
North: Food Processing Plant
South: US-95 Freeway with undeveloped land south of US-95
East: Union Pacific Railroad and Hotel/Casino
West: Industrial

C) *Planned Land Use*

Subject Property: MXU (Mixed-Use)
North: MXU (Mixed-Use)
South: MXU (Mixed-Use)
East: C (Commercial)
West: MXU (Mixed-Use)

D) *Existing Zoning*

Subject Property: M (Industrial)
North: M (Industrial)
South: M (Industrial)
East: C-2 (General Commercial)
West: M (Industrial)

E) *General Plan Compliance*

The site is designated as MXU (Mixed Use) on the Redevelopment Plan Map of the Southeast Sector of the General Plan. This land use allows a mix of uses including residential, offices, and commercial.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Parkway Center	X	
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
Inter-local Agreement Joint Land Use Planning Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located within the Redevelopment Area and the Parkway Center Development Area. The Parkway Center Development Standards indicate that interim billboards are permitted but new billboards are prohibited. The property is designated MXU (Mixed Use) within the Redevelopment Plan. The existing M (Industrial) zoning is compatible with this land use.

This site has two trails that run through the site. One is along the west side of the Union Pacific Railroad tracks, and the other is along the south side of Bonanza Road. However, neither trail will affect the location of the existing Off-Premise Advertising (Billboard) Sign.

ANALYSIS

A) General Analysis and Discussion

Title 19.14.100 allows the removal of an Off-Premises Advertising (Billboard) Sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards of the Code. The continued use of the Off-Premise Advertising (Billboard) Sign on the subject site is appropriate; however, there has been new development in the vicinity with the new Internal Revenue Service building and World Market Center. Since there is new development in the area, it is recommended that this use be subject to a review again in two years.

On 06/09/06 a site inspection was conducted and photos were taken. The inspection revealed there is some graffiti on the support structure of the sign. The conditions of approval for the original Variance have been met. A condition has been included that requires the sign to be maintained and kept free of graffiti and clean at all times.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The previous approvals of the subject Variance found evidence of a unique or extraordinary circumstance to allow for the reduction in the required separation between Off-Premises Advertising (Billboard) Signs. The sign remains acceptable at this location with the requirement for a review again in two years.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 51 by City Clerk

APPROVALS 0

PROTESTS 0